

DISCUSSION OF THE AMENDMENT

Claims 1 and 4-18 are active in the present application. Claims 2 and 3 are canceled claims. Independent Claim 1 is amended herein to include the limitations of previous dependent Claim 3. Claims 8-18 are new claims. Support for the new claims is found in the original claims. The claims have been amended to remove multiple dependencies. No new matter is added.

REMARKS

The Office rejected original Claim 3 as obvious over the combination of Sawahara (U.S. 6,293,639), Miyama (U.S. 6,808,766), and Kondo (U.S. 2006/0024452). Applicants traverse the rejection on the grounds that (1) the cited prior art, i.e., Miyama and Sawahara, do not disclose a liquid crystal aligning agent having the bivalent organic group of formulas (6) or (7) now recited in Claim 1, and (2) Kondo has been disqualified as prior art under 35 U.S.C. § 103(c).

The present application is a 371 of International Application PCT/JP03/15803 having a filing date of December 10, 2003. Therefore, the U.S. effective filing date of the present application is December 10, 2003. Kondo was filed as PCT/JP03/12257 and an English language translation thereof was submitted to the USPTO on March 24, 2005, i.e., after the U.S. effective filing date of the present application.

Applicants further note the following:

The present application and Kondo were, at the time the invention of the present application was made, commonly owned by Nissan Chemical Industries, Ltd.

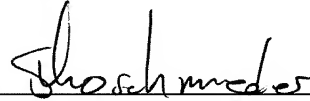
Even if Kondo had a U.S. filing date before the filing date of the present application e.g., an earlier 102(e) date, Kondo would not qualify as prior art to the present application because the present application and Kondo were commonly owned at the time the present invention was made. Thus, Kondo would be disqualified Kondo as prior art to the present application under 35 U.S.C. § 103(c).

Applicants request withdrawal of the rejection.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Stefan U. Koschmieder', is written over a horizontal line.

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